

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE-OPELOUSAS DIVISION**

IRVING PHILLIPS

CIVIL ACTION NO. 07-0110

VS.

JUDGE TUCKER L. MELANÇON

**COMMISSIONER SOCIAL
SECURITY ADMINISTRATION**

MAGISTRATE JUDGE METHVIN

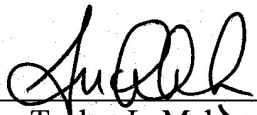
JUDGMENT

This matter was referred to United States Magistrate Judge Mildred E. Methvin for Report and Recommendation. No objections have been filed. The Court concludes that the Report and Recommendation of the magistrate judge is correct and therefore adopts the conclusions set forth therein. Accordingly,

IT IS THEREFORE ORDERED that the Commissioner's decision is **REVERSED** and **REMANDED** to the Commissioner for further administrative action pursuant to the fourth sentence of 42 U.S.C. § 405(g). This includes, but is not limited to, assigning a different ALJ to the case, sending the case to the hearing level with instructions to the new ALJ to recontact the medical sources in order to obtain additional information regarding Phillips's residual functional capacity, and to obtain a consultative examination by an orthopedist or

neurologist. Phillips should be afforded the opportunity to submit additional evidence and to testify at a supplemental hearing.¹

Lafayette, Louisiana this 26th day of March, 2008.



Tucker L. Melançon
UNITED STATES DISTRICT JUDGE

¹ Any judgment entered herewith will be a "final judgment" for purposes of the Equal Access to Justice Act (EAJA). See, Richard v. Sullivan, 955 F.2d 354 (5th Cir. 1992) and Shalala v. Schaefer, 509 U.S. 292 (1993).